

February 22, 2000

Mr. James Gross, Chairperson
Dickey LaMoure Multidistrict Special Education Unit
PO Box 215
Litchville North Dakota 58461-0025

Dear Mr. Gross:

The North Dakota Department of Public Instruction (NDDPI) Office of Special Education conducted a Verification Review in the Dickey LaMoure Special Education Unit during January 19 and January 20, 2000 for the purpose of assessing compliance in the implementation of the Individuals with Disabilities Education Act (IDEA) and assisting your Unit in developing strategies to improve results for children with disabilities. The IDEA Amendments of 1997 focus on "access to services" as well as "improving results for children and youth with disabilities. In the same way, the Continuous Improvement Monitoring Process implemented by NDDPI is designed to focus Federal, State and local resources on improved results for children with disabilities and their families through a working partnership among NDDPI, the Dickey LaMoure Special Education Unit, parents and stakeholders.

In conducting its review of the Dickey LaMoure Special Education Unit, NDDPI applied the standards set forth in the IDEA 97 statute and Part B regulations (34 CFR Part 300), as they were in effect at the time of the review. On March 12, 1999, the United States Department of Education published new final Part B regulations that took effect on May 11, 1999. In planning and implementing improvement strategies to address the findings in this report, the Dickey LaMoure Special Education Unit should ensure that all improvement strategies are consistent with the new final regulations.

The enclosed report addresses strengths noted during the review, areas that require corrective action because they represent noncompliance with the requirements of the IDEA, and suggestions for improvements that will lead to best practice. Enclosed you will find an Executive Summary of the Report, an Introduction including background information, and a description of issues and findings. NDDPI will work with you to develop corrective actions and improvement strategies to ensure improved results for children with disabilities.

Thank you for the assistance and cooperation provided by the Dickey LaMoure staff and Collaborative Review Steering Committee members during our review. Throughout the course of the review, Ms. Rhoda Young, Director of Special Education for the Dickey LaMoure Special Education Unit was responsive to requests for information and assistance from NDDPI personnel. In addition, the Dickey LaMoure Special Education Unit, under the administration of Ms. Young, has willingly participated as a pilot project site in the development of the revised

North Dakota Continuous Improvement Monitoring Process. Throughout this process, which began in 1998, both Ms. Young and the Dickey LaMoure Collaborative Review Steering Committee members have provided invaluable feedback to Department of Public Instruction personnel and to additional education personnel across the state.

Thank you for the continued efforts toward the goal of achieving better results for children and youth with disabilities in North Dakota. Since the enactment of IDEA and its predecessor, the Education of All Handicapped Children Act, one of the basic goals of the law, ensuring that children with disabilities are not excluded from school, has largely been achieved. Today, families can have a positive vision for their child's future.

While schools have made great progress, significant challenges remain. Now that children with disabilities are receiving services, the critical issue is to place greater emphasis on attaining better results. To that end, we look forward to working with the Dickey LaMoure Special Education Unit in partnership to continue to improve the lives of individuals with disabilities.

Sincerely,

Robert C. Rutten, ND Director of Special Education
Department of Public Instruction

cc: Rhoda Young

Enclosure

EXECUTIVE SUMMARY

DICKEY LA/MOURE MULTIDISTRICT SPECIAL EDUCATION UNIT

The attached report contains the results of the first two phases (Collaborative Review and Verification Review) of the North Dakota Continuous Improvement Monitoring of the Individuals with Disabilities Education Act (IDEA), Part B, in the Dickey LaMoure Multidistrict Special Education Unit during the 1998 – 1999 and 1999 – 2000 school years. The process is designed to focus resources on improving results for children with disabilities and their families through enhanced partnerships between the North Dakota Department of Public Instruction (NDDPI), the Dickey LaMoure Multidistrict Special Education Unit, parents and stakeholders. The Collaborative Review phase of the monitoring process included the completion of a Self-Assessment under the direction of a local Steering Committee that provided further comments on the information. The Verification Review phase included interviews with local program and school administrators, service providers, teachers, and targeted reviews of children's records. Information obtained from these data sources was shared in a meeting attended by staff from the Dickey LaMoure Multidistrict Special Education Unit, the Collaborative Review Steering Committee, and staff from the ND Department of Public Instruction.

This report contains a detailed description of the process utilized to collect data, and to determine strengths, areas of noncompliance with IDEA, and suggestions for improvement in each of the core IDEA areas.

Education of Children and Youth with Disabilities Part B of IDEA

Strengths

NDDPI observed the following strengths:

- Ongoing involvement of school improvement activities and continuous improvement planning in cooperation with participating school districts.
- Positive feedback from parents and families indicating satisfaction with school services, including special education services, and level of involvement.
- Efficient and effective overall record keeping system is maintained.
- School level focus on efforts to facilitate inclusive services with support from continuous special education staff skill development.
- Strong, effective, and supportive special education administrator and a high level of communication between general education and special education staff members.

Areas of Noncompliance

NDDPI observed the following areas of noncompliance:

- Incomplete documentation on evaluation planning forms (i.e., student profile, assessment plan).
- Annual goals developed within the IEP process do not reflect a desired ending level of performance.
- Characteristics of services information does not include documentation of discussion of where the goals and short-term objectives can most appropriately be met.
- Due to lack of understanding and implementation of consistent procedures, extended school year services are not always determined when necessary and appropriately provided for all children with disabilities who need such services to ensure the provision of a free appropriate public education.
- There is insufficient support in general education settings to meet the needs of children with emotional and behavioral needs.

DICKEY LA/MOURE MULTIDISTRICT MONITORING REPORT
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INTRODUCTION

The Dickey LaMoure Multidistrict Special Education Unit Self-Assessment (November 1999) report contains information describing the seven school districts that form the basis of the administrative unit. School district enrollments range from a total of 93 students in one school to slightly over 400 students in several individual school districts. As is typical for most North Dakota rural schools, declining enrollments have been noted with a 16% drop in student numbers over the past 14 years. It was further noted that as many as five school districts have dissolved over the years with the majority of students enrolling in other school districts in the special education unit.

The Dickey LaMoure Collaborative Review Steering Committee reports strong support provided to school districts by families. The small town culture of this part of the state is supportive of a natural inclusiveness for all children. Communication between teachers, parents and administrators is generally positive and easily maintained in small communities.

School districts in the Dickey LaMoure Multidistrict Special Education Unit have demonstrated a commitment and high level of involvement in the School Improvement Process over a period of time. Special education issues have been included in local school improvement activities since 1997, resulting in significant participation by a variety of special education personnel. A comprehensive and sound structure for improvement of special education services is already in place in the Dickey LaMoure Multidistrict Special Education Unit. Many issues identified in the Self-Assessment as areas for improvement have already been included in improvement plans that are being implemented within the unit.

Administrative Structures and Children Served: The Dickey LaMoure Special Education Unit serves 155 students with disabilities (12-1-99 Child Count). Approximately 9.9% of the total school enrollment of member school districts are identified as receiving special education services. Percentages of students served have varied from 7.3% to 10.2% over the past fourteen years. Students are served in their home school districts with the exception of some preschool children and three students placed outside of the unit. The center-based preschool for children with disabilities implements integration of nondisabled children to allow opportunities for interaction and peer modeling.

Verification Review and Data Collection: The Dickey LaMoure Special Education Unit began the Collaborative Review process in November 1998. The Dickey LaMoure Self-Assessment report was submitted to NDDPI in November 1999. The Self-Assessment included data gathered by student record review, survey information collected as part of the school improvement process, and input recorded at a public stakeholder meeting held in July, 1999.

NDDPI visited school districts in the Dickey LaMoure Special Education Unit on January 19 – 20, 2000, for the purpose of collecting data to verify information provided through the Collaborative Review process, including new requirements under the IDEA Amendments of 1997. NDDPI staff members met with the Dickey LaMoure Collaborative Review Steering Committee to discuss the Self-Assessment and develop identified sites to be visited during the Verification Review. NDDPI visited five of the seven school districts that belong to the Dickey

LaMoure Special Education Unit. Student record reviews, including Individualized Education Program plans (IEPs) and Integrated Written Assessment Reports (IWARs), were conducted at the unit office site and at several school sites. Interviews were conducted with ten special education staff members responsible for developing and implementing IEPs, four general education staff members who teach children with disabilities in their classrooms, two general education administrators, and the director of special education. Preliminary results and findings were presented to the director of special education in a summary meeting at the end of the Verification Review visit.

Improvement Planning: In response to this report, the Dickey LaMoure Unit will develop an action plan including specific Improvement Strategies addressing areas identified as noncompliant, within 60 days of receipt of this report. The NDDPI special education regional coordinator assigned to the Dickey LaMoure Special Education Unit will serve, as needed, as a resource for improvement planning purposes, and will respond in writing to indicate approval of Improvement Strategies submitted by the Unit.

I. ZERO REJECT

All children with disabilities must be provided with a free appropriate public education (FAPE).

The Dickey LaMoure Self-Assessment identified one area of concern regarding Child Find activities tied to Building Level Support Teams (BLSTs). This issue was originally identified through the 1997 school improvement process. Specific concerns identified included inconsistency of the team membership; inconsistency of the team function and use; inconsistency regarding the notification of parents and parental involvement; and inconsistency of team record-keeping processes. Recommended improvements have since been implemented and training provided across the unit. Several school personnel interviewed indicated that the effectiveness of BLST activities seemed to be more inconsistent at the secondary level.

During the interviews that NDDPI conducted as part of the Verification Review, respondents were asked to "Describe the BLST activities in your school." Further probes included questions regarding consistency of team membership, team function, notification of parents and team record-keeping procedures. In addition, student cumulative records were reviewed at several school sites to determine if BLST information was included.

NDDPI reviewed and analyzed the data and identified the following suggestions for improvement.

SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN

Although BLST procedures are the responsibility of general education programs, an improved and effective process will benefit all children, including children with disabilities. NDDPI would strongly encourage all school districts in the Dickey LaMoure Special Education Unit to continue staff skill development at the local level in this area. NDDPI provides ongoing training and support, along with a newly revised BLST manual (January 2000), to all school districts in the state as they develop local BLST policies and procedures.

II. NONDISCRIMINATORY EVALUATION

Any child with a suspected disability must receive a full, individualized evaluation, which meets specific standards, and includes information from a variety of sources.

Information included in the Dickey LaMoure Self-Assessment indicated areas of concern regarding the following required components of the evaluation process. The evaluation planning process, including completion of the assessment plan, did not provide appropriate documentation of parent participation; documentation of student profile information; documentation of all areas of functioning; and documentation of student interests (for students over 16). In addition, the Integrated Written Assessment Reports (IWAR) for students with specific learning disabilities (SLD) were found to be weak in information regarding observation; discrepancy; medical findings; and determination that disability is not due to lack of instruction. Some inservice training for special education staff members responsible for implementing and documenting the

evaluation process has recently been held within the unit. The Dickey LaMoure special education director has assured NDDPI that state recommended *Guidelines: Evaluation Process (8/1/99)* have been adopted by the unit and are being used by special education staff members. Local training was provided to Dickey LaMoure Special Education Unit personnel in the fall of 1999.

During interviews NDDPI conducted as part of the Verification Review, respondents were asked to "Describe the evaluation planning process." Further probes included questions regarding specific components of the assessment plan and the IWAR identified as areas of concern. Copies of assessment plans and assessment reports were also reviewed during the student record review process at the unit office. During interviews with special education staff members, the assessment process, including the use of the assessment plan and completion of the IWAR, was appropriately described in detail. Student record reviews completed, however, did verify incomplete documentation on evaluation planning forms including the student profile and the assessment plan. Careful review of Integrated Written Assessment Reports for several students identified as having specific learning disabilities did not indicate a finding for lack of documentation.

NDDPI reviewed and analyzed the data and identified the following area of noncompliance and suggestions for improvement.

AREA OF NONCOMPLIANCE

Incomplete Documentation on Evaluation Planning Forms

NDDPI *Guidelines: Evaluation Process (8/1/99)* include suggested procedures and forms to meet requirements of the assessment planning process and development of the Integrated Written Assessment Report (IWAR). Following these recommended procedures will ensure compliance with 34 CFR 300.553, Determination of needed evaluation data; and 34 CFR 300.532, Evaluation procedures (including the IWAR). NDDPI verified that not all of the required components of the assessment plan are being completed by Dickey LaMoure special education personnel. It was noted by NDDPI monitors during review of student assessment plans that parent participation was not clearly documented; indication that the team addressed all areas of functioning was not documented; consideration of student interests was not documented for students over 16; and documentation was missing to indicate that no additional information was needed when determined by the team.

SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN

Although NDDPI monitors did not identify concerns with incomplete Integrated Written Assessment Reports for students with specific learning disabilities as a finding, it will benefit special education personnel to participate in ongoing training in this area. Several special education teachers indicated during interviews that they have recently participated in local inservice sessions with the director of special education regarding these issues. Several teachers noted improvement in their own completion of the components of the IWAR, however, they also indicated that they could see the need for continuing skill development in report writing.

III. FREE APPROPRIATE PUBLIC EDUCATION

An IEP team, which includes the child's teacher, the child's parent(s), an administrator, and a special education teacher, must develop an educational program tailored to meet the child's unique needs.

Summary information included in the Dickey LaMoure Self-Assessment indicated areas of concern with several specific required elements of the IEP. Components of the IEP that were identified as needing improvement included the following: present levels of educational performance did not address all areas of functioning; annual goals did not reflect a desired ending level of performance; characteristics of services had insufficient documentation regarding whether or not the goal could be met in the general education classroom; and documentation of extended school year services discussion was insufficient. The Dickey LaMoure special education director has assured NDDPI that state recommended *Guidelines: Individualized Education Program Planning Process* (8/1/99) were adopted by the unit and are being used by special education staff members. In addition, local training was provided to Dickey LaMoure Special Education Unit personnel in the fall of 1999.

During interviews that NDDPI conducted as part of the Verification Review, respondents were asked to describe the IEP development process, including specific questions related to present levels of educational performance, annual goals and desired ending level of performance, characteristics of services, and the process for determining extended school year services for students. Since the determination of need for and the provision of extended school year services is an issue for schools across North Dakota, and has also been identified as an area of concern by the federal monitors during their most recent visit, this issue was emphasized during interviews with school personnel. Student file reviews completed by NDDPI staff also included the IEP components indicated above as areas of concern, including documentation of the discussion of the need for extended school year services.

Transition, which is a major part of the IEP process for students ages 14 and over, has been identified by the local school improvement process as an area for improvement. Specific areas of concern are identified as community-based training; on-the-job training opportunities; availability of vocational courses in local schools; availability of vocational assessments; and independent living skill development. The Dickey LaMoure special education director indicated that improvement plans for transition are to be developed beginning in February, 2000.

During interviews that NDDPI conducted within the Verification Review, specific questions regarding transition planning were included. Student file reviews completed by NDDPI monitors also included items based on transition concerns identified in the Self-Assessment report.

NDDPI reviewed and analyzed the data and identified the following areas of noncompliance.

AREAS OF NONCOMPLIANCE

1. Measurable Annual Goals

34 CFR 300.347(a)(2) indicates that a statement of measurable annual goals must be included in the content of an IEP. Although NDDPI monitors found that special education teachers were able to describe how annual goals were developed, it was verified through student file review that the majority of annual goals did not reflect desired ending levels of performance.

2. Characteristics of Services

Special education teachers were able to discuss characteristics of services, but student file reviews completed by NDDPI monitors verified that documentation was insufficient to clarify that discussions were held to determine if goals and objectives could be met in the general education setting. 34 CFR 300.347(a)(2) further states that IEPs must include short-term objectives related to how the child will be involved in and progress in the general curriculum. The characteristics of services discussion considers where and how the services will be delivered. This discussion also serves as an opportunity to consider whether goals and objectives can be met in the general education setting.

3. Extended School Year Services

34 CFR 300.300 requires that a free appropriate public education be made available to all children with disabilities. 34 CFR 300.13 requires that services be provided in accordance with an appropriate IEP. In addition, 34 CFR 300.309 states that extended school year services must be available as necessary in order to provide free appropriate public education to children with disabilities. Through interviews with school personnel and student file reviews of IEPs, NDDPI monitors determined that extended school year services (ESY) are not always appropriately considered for all children with disabilities who need such services in order to receive a free appropriate public education. The Dickey LaMoure Self-Assessment indicated that documentation in the ESY section of the IEP was insufficient, however a clear understanding of the required process for determination of ESY services may be the larger issue. Two school administrators indicated that there was no need for provision of ESY because students do not have severe disabilities. Two special education teachers stated that limited “summer school” programs are available in some schools but they are provided for “general education”. Two special education teachers noted that ESY is considered when parents request it. Several special education teachers stated that ESY may be discussed but is not consistently documented.

IV. LEAST RESTRICTIVE ENVIRONMENT

To the maximum extent appropriate, children with disabilities must be educated with their non-disabled peers. Placement decisions must be based on the goals and objectives in the child’s IEP.

The summary of information included in the Dickey LaMoure Self-Assessment report indicated some concerns regarding collaboration efforts between special education and general education teachers. Activities to be improved upon include planning together, co-teaching, and team teaching. A significant concern noted addressed the lack of understanding of emotional and behavioral issues, and skill development of interventions and strategies used to meet the needs of students in the general education classroom.

During interviews conducted by NDDPI monitors as part of the Verification Review, respondents were asked to “Describe the nature of collaborative efforts between general education teachers and special education teachers.” Respondents were also asked to “Describe how general education teachers are supported when special education students have emotional or behavioral issues.”

NDDPI reviewed and analyzed the data and identified the following strengths, area of noncompliance, and suggestions for improvement.

STRENGTHS

Since 1997 the Dickey LaMoure Special Education Unit has demonstrated a commitment to participating in ongoing school improvement activities by participating in continuous improvement planning activities with local school districts. Improvement plans specific to areas of special education are currently in place and being implemented. Progress has been noted across the unit which in turn impacts upon the provision of free appropriate public education for students with disabilities in local schools.

Continuous and ongoing special education staff skill development activities contribute to efforts to provide inclusive services for children with disabilities.

AREA OF NONCOMPLIANCE

Insufficient support in general education settings to meet the needs of children with emotional and behavioral needs.

34 CFR 300.550(b) requires that, to the maximum extent appropriate, children with disabilities are educated with children who are not disabled. In addition, removal of children with disabilities from the general education environment may occur only when the nature or severity of the disability is such that education in regular classes, with the use of supplementary aids and services, cannot be achieved satisfactorily. 34 CFR 300.346(2) requires that an IEP team consider including positive behavioral interventions, strategies, and supports to meet the needs of a child whose behavior impedes his or her learning or that of others. Through interviews with school personnel, NDDPI verified the need for skill development of appropriate interventions and strategies used to meet the needs of students whose behavior impedes learning in the general education classroom. Three special education teachers interviewed stated that excellent consultation is provided but it is not sufficient. They indicated that they thought classroom teachers would accept more responsibility for supporting students with behavioral and emotional needs if they received more training and skill development. Six special education teachers interviewed indicated that classroom teachers would benefit from training in this area, which could also benefit students who are not identified as disabled. Several general education administrators interviewed stated that they were pleased with special education staff members and the special education director who served as resources when needed. These administrators also indicated that they used “pull-out or time-out” with students as needed, which may indicate a lack of understanding of supports provided in the general education classroom setting.

SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN

Although effective collaboration between special education teachers and general education teachers is not a regulatory requirement of IDEA, efforts to improve collaboration will certainly benefit all children, including children with disabilities. A common concern noted as a barrier to increased collaborative efforts within a school was the “lack of time”. Creative improvement planning strategies developed at the local school level will be needed to address this issue. Both general education teachers and special education teachers interviewed indicated they would be interested in more team teaching efforts within their schools.

V. PARENT INVOLVEMENT

Parents have the right to have access to their child’s educational records. Parental consent is required for initial evaluation, reevaluation, and placement. Parents must be included in IEP team decisions, and parents must be notified of their right to appeal.

The Dickey LaMoure Self-Assessment report summarized information from parent surveys conducted as part of the school improvement process. In general, parents express comfort with their personal level of involvement in educational programs participated in by their children. School personnel surmise that families seem to be involved, however, it is not always evident that families are “fully” involved. Some families tend to view the school personnel as the “experts” and prefer to leave educational decision-making to the professionals. It was noted in the Self-Assessment report that school district personnel agree that continued efforts are needed to help all families feel welcomed and involved in education programs for their children.

During interviews conducted by NDDPI monitors, school personnel were asked to “Describe the extent to which parents are involved in evaluation and IEP meetings.” Documentation of these items were also included in student file reviews completed by NDDPI.

NDDPI reviewed and analyzed the data and identified the following strength and suggestions for improvement.

STRENGTH

Positive feedback from parents and families indicates a level of satisfaction with school services, including special education services. Parents do attend assessment planning and IEP meetings and are comfortable with their own level of involvement.

SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN

NDDPI monitors did not identify participation by parents as an area of noncompliance. Appropriate procedural safeguards are in place and parent participation is documented on IEPs and assessment planning documents. Interviews with school personnel indicated that parents consistently attend meetings, however, there are differing levels of actual participation and decision-making. NDDPI strongly encourages the Dickey LaMoure Special Education Unit to continue to offer information and training opportunities to families of children with disabilities.

Parental involvement has long been recognized as an important indicator of a school's success and parent involvement has positive effects on children's attitudes and behavior. Partnerships positively impact achievement, improve parents' attitudes toward the school, and benefit school personnel as well.

VI. PROCEDURAL SAFEGUARDS

Procedural safeguards, which ensure the fairness of educational decisions, include impartial due process hearings; the right to an independent educational evaluation; written notification to parents explaining their rights; parental consent; and appointment of surrogate parents, when needed.

Information included in the Dickey LaMoure Self-Assessment report summarized data from an internal monitoring process of student file review. The summary reported in the Self-Assessment indicated that provision of procedural safeguards is an area of strength for unit personnel and that there are no concerns in this area. Parents contacted by telephone during the internal monitoring process reported that they were made aware of their rights and were provided an explanation of their rights. During the Verification Review process, NDDPI monitors found evidence that procedural safeguards, including student records management, is an area of strength for Dickey LaMoure Special Education.

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